

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re the Petition of

Civil Action No. 15-6621

PVS International,
United Agencies,
Maghanmal Jethanand
(General Trading Company)

For Discovery In Aid of a Foreign Proceeding
Pursuant to 28 U.S.C. § 1782

**DECLARATION OF J. STEPHEN SIMMS IN SUPPORT
OF SECOND AMENDED PETITION FOR AN ORDER ALLOWING
DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

Pursuant to 28 U.S.C. § 1746, I, J. Stephen Simms, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Principal of the law firm of Simms Showers LLP, which represents Petitioners PVS International, United Agencies and Maghanmal Jethanand (General Trading Company) (collectively “Petitioners”) in connection with the accompanying Petition. I submit this declaration in support of a Petition for an order to obtain discovery for use in a foreign tribunal pursuant to 28 U.S.C. § 1782.

2. Attached as Exhibit A to the Petition is a true and correct copy of the Statement of Claim filed in the related foreign proceeding pending in the High Court of the Republic of Singapore (ADM. No. 67 of 2014), *PVS International, et al. v. Lixon Maritime Pte Ltd, et al.* (the “Singapore Action”), which involves claims for loss of cargo resulting from the sinking of a vessel, FU SHENG HAI (the “Vessel”), bound for Busan, Korea.

3. Petitioners seek substantive information regarding the loss of the Vessel and the cargo, which it expects to find in the possession of the hull insurer of the Vessel, People’s

Insurance Company of China (“PICC”), HSBC Bank USA, N.A. (“HSBC”) and the Vessel’s P&I insurer, The American Club / Shipowners Claims Bureau, Inc. (“American Club”).¹

4. PICC paid out on the hull insurance policy to owners or directors of Lixon Maritime Services Pte Ltd (the owner of the Vessel), who subsequently dissolved that entity and now operate as Lixon Maritime Pte Ltd (“Lixon”).

5. HSBC completed the wire transfer of any payments associated with the hull insurance policy to the owners or directors of the Vessel.

6. While we know that American Club was the P&I insurer, the extent, if any, of American Club’s involvement with the Vessel is unknown – hence the need for the requested discovery.

7. PICC’s office is located at 400 Madison Ave, New York, NY 10017.

8. HSBC’s New York office is located at 452 5th Avenue, New York, NY 10018.

9. American Club’s office is located at 1 Battery Park Plaza, 31st Floor, New York, New York 10004.

10. Herewith, attached as Exhibit 1, is a true and correct copy of a proposed Order, ordering the issuance of a subpoena on American Club to compel discovery for use in a foreign tribunal pursuant to 28 U.S.C. § 1782.

11. Herewith also, attached as Exhibit 2, is a true and correct copy of a proposed
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¹ Subpoenas to PICC and HSBC were previously served, pursuant to this Court’s September 24, 2015 Order [Doc. No. 11].

subpoenas to be served on American Club.

I certify pursuant to 28 U.S.C. Section 1746 that the foregoing is true and correct.

Dated: February 16, 2016.

/s/ J. Stephen Simms

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